HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI C.V.NAGARJUNA REDDY

Writ Appeal No.1228 of 2006

Between

Padmavathipuram Gram Panchayat,
Tirupati Rural Mandal of
Chittoor district
represented by its Sarpanch .. Appellant

AND

The District Collector, Chittoor and others .. Respondents

:: JUDGMENT ::

Counsel for the appellant : Shri D.Goverdhana Chary

Counsel for respondents : Government Pleader for Revenue

20-11-2006

Per G.S.Singhvi, CJ

This is an appeal for setting aside order dated 18.10.2006 passed by the learned Single Judge whereby he dismissed the writ petition filed by the appellant for issue of a mandamus to Sub

Registrar, Assurances and Marriages, Renigunta, Chittoor District (for short 'the Sub Registrar) to accept and register the documents relating to sale transaction of land situated within the limits of Padmavathipuram Gram Panchayat.

In the affidavit filed by him in support of the writ petition, Shri N. Ravi, Sarpanch of the appellant Gram Panchayat averred that the lands comprised in Survey Nos.14/1, 14/2, 14/3, 240, 241, 242, 246, 230 and 229 fall within the jurisdiction of Padmavathipuram Gram Panchayat; that the said land is neither the Government land nor surplus land held by individuals or institutions; that the Sub Registrar has adopted discriminatory approach in registering sale documents of the land in question inasmuch as he has registered some transactions and refused to register some other transactions. The deponent further averred that this is being done in view of letter dated 30.05.2005 sent by the Administrative Officer of Shri Swamy Hathiramji Mutt, Tirupati.

The learned Single Judge dismissed the writ petition by recording a crisp observation that the writ petitioner (appellant herein) does not have the locus in the matter and if any person is aggrieved by non-registration of any document in relation to the subject land, then he can always seek redressal before appropriate forum.

Shri D.Goverdhana Chary, learned counsel for the appellant made efforts to persuade us to entertain the locus of the appellant by contending that due to non-registration of the documents, the appellant is being deprived of the revenue, but we have not felt impressed. A careful reading of the affidavit of Shri N. Ravi gives an impression that the Sub Registrar declined registration of some of the documents while accepting some other documents for registration. In paragraph 7 of his affidavit, Sri N.Ravi has given the particulars of such transactions. However, he has not placed any material before the Court to show that large number of transactions involving transfer of properties were declined to be registered by the Sub Registrar and that too at the instance of the Administrative Officer of Sri Swamy Hathiramji Mutt.

Therefore, the assertion made by Shri D. Goverdhana Chary that the Sub Registrar has declined registration of majority of documents cannot be accepted as correct. We are further of the view that every individual (purchaser or seller) who may feel aggrieved by the refusal of the Sub Registrar to register the document is entitled to seek intervention of the higher departmental authority and/or the Court. However, the appellant Gram Panchayat does not have a reason to seek intervention of the Court in the matter by making a vague and bald assertion that on account of non-registration of the documents, its revenues are adversely affected.

To us, it appears that the Sarpanch of the Gram Panchayat has instituted this litigation at the instance of some other persons whose documents have not been registered by the Sub Registrar. Letter dated 30.5.2005 seems to have been written by the Administrative Officer to the Sub Registrar not to register the documents because the officer apprehends that the land of the Mutt may be sold by unscrupulous elements.

In the premise aforesaid, we hold that the appellant has failed to make out a case for issue of an omnibus direction to the Sub Registrar to register the documents involving sale etcetera of the subject land.

For the reasons stated above, the appeal is dismissed.

For filing a frivolous litigation like this, the Sarpanch is saddled with costs of Rs.5,000/-. The costs shall be paid by the Sarpanch from his own pocket and not from the funds of the Gram Panchayat. The amount shall be deposited with the Andhra Pradesh State Legal Services Authority within a period of one month from today. Member Secretary, Andhra Pradesh State Legal Services Authority is directed to inform the Court whether or not the Sarpanch has deposited the amount of costs, so that if it becomes necessary, further directions may be given by the Court for recovery of the amount of costs.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

20.11.2006.

psr